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Dated: August 26, 2005

Signature

(Amy L. Hamm)

Docket No.: 05500-00128-US  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Richard Derose et al.

Application No.: 10/758799

Confirmation No.: 6502

Filed: January 16, 2004

Art Unit: 1638

For: MAIZE H3C4 PROMOTER COMBINED WITH  
THE FIRST INTRON OF RICE ACTIN,  
CHIMERIC GENE COMPRISING IT AND  
TRANSFORMED PLANT

Examiner: M. A. Ibrahim

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT AND AMENDMENT**

This is in response to the Restriction Requirement mailed July 28, 2005, the time for a response to which is set to expire on August 28, 2005.

**Amendments to the claims** begin on page 2 of this paper.

**Remarks/Arguments** begin on page 7 of this paper.